

Restriction to one of the following inventions has been required:

I. Claims 1-17, drawn to an isolated **protein** isoform of an AIB1 transcriptional coactivator, classified in class 530, subclass 350.

II. Claims 18-21, drawn to an isolated **nucleic sequence** that encodes a protein isoform of an AIB1 transcriptional coactivator, classified in class 536, subclass 23.1.

III. Claims 22, 23, 26, 27, 34, 35, drawn to a diagnostic **kit** for the detection of cancer comprising chemical substances that are **specifically reactive to a protein isoform** of an AIB1 transcriptional coactivator, an **antibody** that is specifically reactive to a protein isoform of an AIB1 transcriptional coactivator, and a **pharmaceutical composition** comprising an agent that specifically binds to a protein isoform of an AIB1 transcriptional coactivator, classified in class 530, subclass 387.1.

IV. Claims 24, 25, 28, drawn to a diagnostic kit for the detection of cancer chemical substances that are **specifically reactive to a nucleic acid** that encodes a protein isoform of an AIB1 transcriptional coactivator and a **nucleic acid that hybridizes** to said nucleic acid, classified in class 536, subclass 23.1.

V. Claims 29, 30, drawn to a method for detection of cancer in a patient comprising contacting a biological sample from a patient with chemical substances that **specifically bind to a protein** isoform of an AIB1, classified in class 435, subclass 7.1.

VI. Claims 31, 32, 33, drawn to a method for **detection of cancer** in a patient comprising contacting a biological sample from a patient with chemical substances that **specifically bind to a nucleic acid** that encodes a protein isoform of an AIB1, classified in class 435, subclass 6.

VII. Claims 36-46, drawn to an **siRNA** that inhibits expression of a transcriptional coactivator protein and pharmaceutical composition comprising said siRNA, classified in class 536, subclass 24.5.

VIII. Claims 47-50, drawn to a method for **treating or preventing a tumor** comprising administering to a patient a pharmaceutical composition comprising an siRNA that inhibits expression of a transcriptional coactivator protein, classified in class 514, subclass 44.

IX. Claims 51-53, drawn to a **transgenic animal** comprising a recombinant gene that encodes a protein isoform of an AIB1 transcriptional coactivator and method of creating the transgenic animal, classified in class 800, subclass 2, 18, 21.

The Examiner further indicates that for an election of species is required in the following:

Species Election for Group I

A. This application contains claims directed to the following patentably distinct, structurally and functionally different nuclear receptor species of the claimed invention: bile acid receptor, peroxisome proliferators, retinoid receptor, steroid receptor, thyroid receptor, or vitamin D receptor.

B. this application contains claims directed to the following patentably distinct, functionally different isoform expression species of the claimed invention: wherein the isoform of claim 1 is over expressed in a cancerous tissue (claim 11), or wherein the isoform of claim 1 is under expressed in a cancerous tissue (claim 12).

C. This application contains claims directed to the following patentably distinct deletion species that result in a structurally and functionally different isoform of the claimed invention:

- (a) all or significant portions of exon 3 (claim 15)
- (b) bHLH (claim 17)
- (c) PAS A (claim 17)
- (e) PAS B (claim 17)
- (f) RID (claim 17)
- (g) CID (claim 17)
- (h) the exons of wild-type AIB1 (claim 17); or
- (i) a specified combination of binding domains listed in (b)-(h) (Claim 17).

#### Species Election for Group VII

Applicant must elect a species from D and E below:

D. This application contains claims directed to the following patentably distinct, structurally and functionally different coactivator protein species of the claimed inventions: Src-1, Src-2. Src-3 (claim 37).

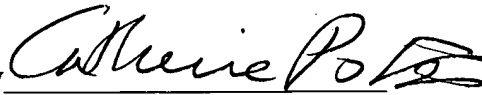
E. This application contains claims directed to the following patentably distinct, structurally and functionally different binding domain species of the claimed invention: bHLH, PAS A, PAS B, RID, CID, or a specified combination of binding domains listed (claim 41).

Applicants hereby elect Group II (claims 18-21) without traverse. Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 544582000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

Catherine Polizzi

Registration No.: 40,130  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5651